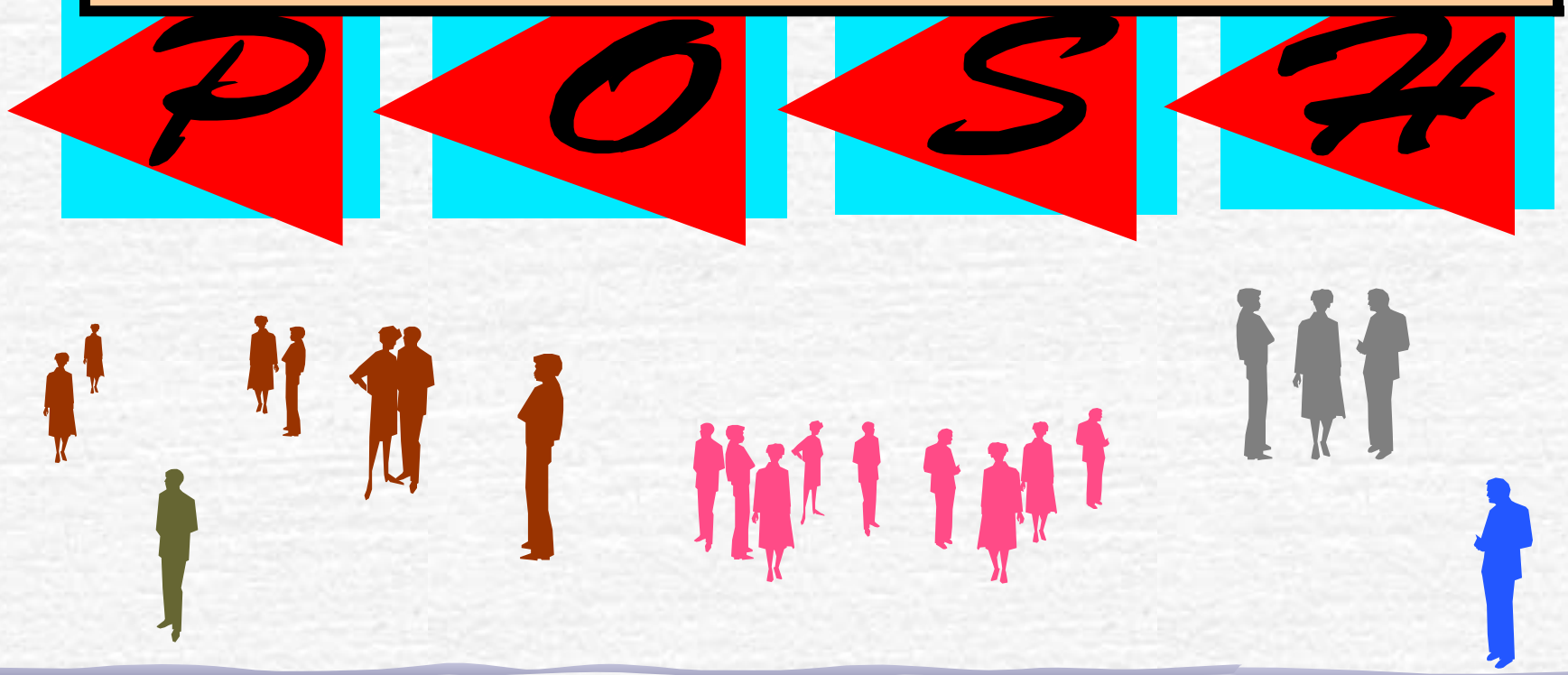
Prevention of Sexual Harassment
Carlisle Barracks, PA



COURSE OBJECTIVES

- Refresher - - What is “Sexual Harassment”
- Identify “Hostile Work Environment”
- Recognize and Accept our Role and Responsibilities

Open the Door

LEGAL AND REGULATORY BASES

- ✓Title VII of the Civil Rights Act of 1964 (Amended in 1972)
- ✓EEOC Guidelines on Sexual Harassment
- ✓Civil Service Reform Act of 1978
- ✓Civil Rights Act of 1991
- ✓29 Code of Federal Regulations 1614
- ✓Section 1561 of US Code Title 10

TITLE VII BASES OF DISCRIMINATION

- Race
- Color
- Religion
- Sex (gender; sexual harassment)
- Age (over 40+)
- National Origin
- Disability (Physical or Mental)*
- Reprisal (Prior EEO-protected activity)

DEFINITION OF SEXUAL HARASSMENT

"Sexual Harassment" IS a form of gender discrimination that involves "*unwelcome*" sexual advances, requests for sexual favors, and other verbal or physical conduct of a *sexual nature* when: It is used as a basis for career or *employment* decisions, (quid pro quo); or it creates a intimidating, hostile, or offensive work environment. Conduct can be explicit or implicit.

Types of Harassment

1. Quid Pro Quo

2. Hostile Work Environment

Quid Pro Quo

- When submission to ***"sexual"*** conduct is made as an expressed or implied ***"condition of employment"*** OR when submission to or rejection of such conduct is used as a ***"basis"*** for an ***"employment decision".***

- *"SUPERVISORs"* are held to a *"stricter"* standard than other employees because they:

  - Represent the Agency (US Army)
  - Set the tone for the workplace
  - Serve as a *"Role Model"* for the employees they supervise

Hostile Work Environment

- A claim that generally arises when ***"sexual"*** conduct has the purpose or affect of ***"creating"*** working environment, OR of ***"unreasonably interfering"*** with an employee's work performance.

- This type of claim generally requires proof of more than just one or a few isolated incidents.

TIME LIMITS

1. "Aggrieved" person must bring the claim of discrimination to the attention of the EEO Office within 45 calendar days of occurrence.

2. EEO Office must conduct pre-complaint counseling within 30 calendar days, or arrange for Alternative Dispute Resolution (ADR-mediation) to occur within 90 calendar days.

PROTOCOL

1. “Aggrieved” person should attempt to resolve issue through Chain of Command prior to coming to EEO Office.
2. Management should make every attempt to resolve issue once the “aggrieved” person brings the matter forth.
3. EEO Office will facilitate intake process after management attempts resolution.

Reporting Sexual Harassment Under Section 1561 of 10 U.S. Code

- **Sexual harassment reported under Section 1561 may result in a 1561 investigation**
- **Does NOT replace filing an EEO complaint under 29 CFR 1614**
- **Sexual harassment complaints may filed simultaneously in both venues**
- **Applies to covered civilian personnel, as well as military personnel**
- **Command decision is FINAL with no right of appeal to the courts**
- **Compensatory damages are NOT available under Section 1561**

Symbolic Harassment

- Clothing
- Jewelry
- Hair Style
- Vehicle Attachments
- Computer Screen Savers/E-mail

VERBAL

NON-work related personal inquiries

Telling jokes

Barking, growling, oinking or whistling at passerby which indicates YOUR perception of their physical appearance

Use of internet, email to send messages

Sexually degrading language, profanity

Promises of rewards or benefits for "cooperating"

NON-Verbal

LEERing, ogling someone's body; giving them the "once over"

"Hanging around" a person

Leaving sexually oriented cartoons, pictures, letters, magazines in the work environment

Gestures made with intentional sexual overtones, i.e., blowing kisses, licking lips, winking, and body movement

Touching or rubbing oneself inappropriately around another person

PHYSICAL

Standing close or brushing up against a perso

Touching

Bumpin

Patting

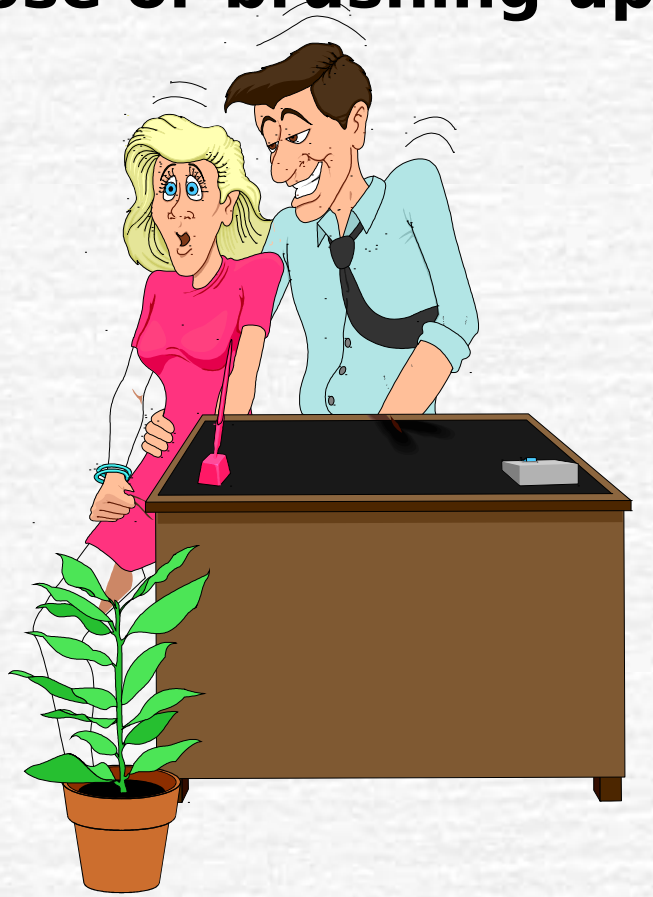
Hu

Cornering

Ki

Grabbing

Pi



Blocking Passageway

Playing Footsie/ Kneesie

Unsolicited back massage and knee rubs

CRIMINAL BEHAVIOR

Indecent Assault

Battery

Aggravated Assault

Rape

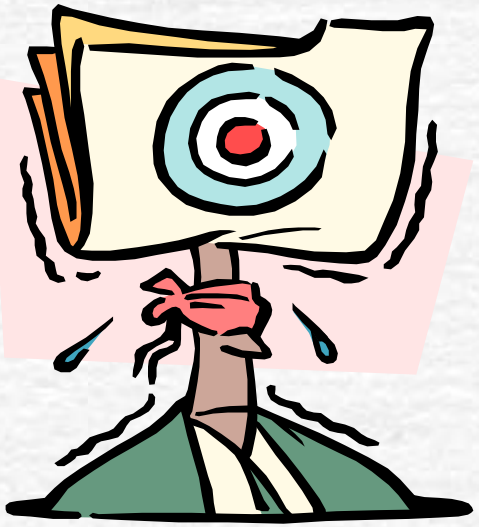
IMPACT on MISSION

- Create or reinforce sexual/racial stereotypes
- Performance
- Absenteeism
- Increase in Turnover
- Mission Readiness

IMPACT on INDIVIDUAL

Creation or reinforcement of sexual/racial stereotypes

Avoidance



Psychological effects--physical & emotional

PREVENTING Harassment

- Leadership –
  - issue and post policy
  - Ensure management is accountability
  - De-sexualize workplace – focus on professionalism
  - Investigate complaints thoroughly, impartially, and take corrective action
  - Training

Avenues of Redress

- Informal Actions
- *Confront Harasser
- * Talk with supervisor
- * Pursue EEO counseling

- Formal Actions
- * File EEO discrimination complaint, AGP/NGP, IG, MSPB, 10 USC Section 1561

BENEFITS OF RESOLUTION

- Restores workplace harmony
- Saves
- Saves
- Heals emotions

Regulatory Agencies

- Equal Employment Opportunity Commission (EEOC)
  http://www.eeoc.gov/
- Merit Systems Protection Board (MSPB)
  http://www.mspb.gov/
- Office of Personnel Management (OPM)
  http://www.opm.gov/
- Federal Labor Relations Authority (FLRA)
  http://www.flra.gov/
- Office of Special Counsel (OSC)
  http://www.osc.gov/

R E M E M B E R!!

"**Communication**" is the "**key**" to early **resolution**…

Equal Employment Opportunity Office
46 Ashburn Drive
Anne Ely Hall

Rosita N. Aguigui
Equal Employment Manager
(717) 245-3950 or
(717) 245-3151

Room 222, 2d floor
Office Hours, 0730-1630